

**United States Senate**  
WASHINGTON, DC 20510

January 22, 2015

Joseph Moore  
Chief Financial Officer  
U.S. Citizenship and Immigration Services  
Washington, D.C. 20528

Dear Mr. Moore,

On November 20, 2014, the President announced several executive actions, including plans to expand the Deferred Action for Childhood Arrivals Program (DACA) and to extend “Deferred Action to Parents of Americans and Lawful Permanent Residents” (DAPA). These events raise serious legal questions and may have significant budgetary consequences. U.S. Citizenship and Immigration Services (USCIS) is “the federal agency that oversees *lawful* immigration to the United States.”<sup>1</sup> The President’s directives will redirect scarce resources from this core mission to activities that Congress has never approved, and will very likely jeopardize the financial health of the agency. If USCIS has a budget shortfall, the agency will no doubt ask the taxpayers to shoulder the burden.

To assist us in our constitutional oversight responsibilities, we are asking you, as Chief Financial Officer, to provide a detailed accounting of all expenditures by USCIS to date and a projection of all temporary and permanent expenditures for these executive actions, including the source of the funds to be used and the specific accounts in which the funds are located, in dollar amounts. Please also indicate the amount USCIS is projected to spend on these programs from FY2015 through FY2025 on a monthly and annual basis.

With respect to the following questions, please provide a detailed response including the costs on a monthly basis associated with each:

1. Please provide all details with respect to the leased space in Crystal City, Arlington, Virginia, that will reportedly house adjudication facilities for the DAPA program, including square footage, rental price, term of lease, anticipated utility bills, costs for security (both physical and document security), costs for furnishings, costs for technology (e.g., phones, computers, etc.), costs for equipment to process applicants, costs for parking and/or metro subsidies for staff, costs for contract services (e.g., staffing, cleaning, food service, financial/budgetary analysis, printing, storage). Please

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<sup>1</sup> “What We Do,” U.S. Citizenship and Immigration Services, <http://www.uscis.gov/about-us/what-we-do> (last visited Jan. 7, 2015).

indicate the source of the funds that USCIS is using to pay for this lease and the specific account where the funds are located. Please further indicate the specific purposes for which such funds would have been used in FY2015 had they not been used for these programs.

2. Please provide all details with respect to any other leased space or plan to lease space including location, square footage, rental price, term of lease, anticipated utility bills, costs for security (both physical and document security), costs for furnishings, costs for technology (e.g., phones, computers, etc.), costs for equipment to process applicants, costs for parking and/or metro subsidies for staff, costs for contract services (e.g., staffing, cleaning, food service, financial/budgetary analysis, printing, storage). Please indicate the source of the funds that USCIS is using to pay for such lease(s) and the specific account(s) where such funds are located. Please further indicate the specific purpose(s) for which such funds would have been used in FY2015 had they not been used for these programs.
3. Please provide all details with respect to the number of personnel USCIS has hired or plans to hire to implement the November 20, 2014, executive actions, including grade levels, cost of the employees for the first year and out years, cost of recruitment (e.g., position description writing and classification, posting of job announcements, setting up and running career boards), cost of obtaining security clearances, and cost of training. Please also indicate the length of time from position posting to start date. If such time period is more than six months, what USCIS personnel will adjudicate applications for these programs and how much will that cost?
4. How will the initial processing of applications occur? Please include in your answer which existing USCIS personnel will adjudicate the initial applications and from which offices they will be drawn. Please also include the other benefits programs for which you anticipate backlogs (similar to the backlogs of I-130s after DACA was implemented) in order for USCIS to be able to process applications these programs.
  - a. How many USCIS personnel were transferred from adjudications work on existing legal visa programs to administer DACA?
  - b. Please describe in detail any formal or informal instructions prescribing which visa programs, because of their relative priority, could not have resources, including personnel, diverted to DACA adjudications. Please provide copies of any such instructions that may have been reduced to writing.
  - c. Please describe in detail any formal or informal instructions prescribing which visa programs, because of their relative priority, will not have resources, including personnel, diverted to DAPA adjudications or DACA expansion adjudications. Please provide copies of any such instructions that may have been reduced to writing.
5. What is the actual cost of adjudicating the I-821D for Deferred Action for Childhood Arrivals (DACA), including direct costs for adjudication, management costs, and support and overhead, *not the cost of taking the biometrics or adjudicating the application for an employment authorization document (EAD)*?

6. Do you anticipate the cost of adjudicating the new DAPA application to be the same as DACA? If not, please explain the differences in cost and why.
7. Please provide projections of the number of administrative appeals generated from the executive action and costs related thereto.
8. What are the actual costs of creating and adjudicating EAD applications? If there are "excess fees" collected in the \$380 fee set by rule in September 2010, what are they? If the cost of the EAD application exceeds actual costs, why was an extra amount added to the fee in the first place? What was the extra amount intended to cover?
9. What are the actual costs of collecting biometric information? If there are "excess fees" collected in the \$85 fee set by rule in September 2010, how much are they? If the biometric fee exceeds actual costs, why was such an extra amount added to the fee in the first place? What was the extra amount intended to cover?
10. Please provide the statutory authority that USCIS believes permits it to collect fees for DACA. If fees are being collected to implement the programs announced in the executive action, please provide the statutory authority that USCIS believes permits it to collect fees for those programs. Please also provide a legal explanation for why the collection of fees for DACA and the programs announced in the executive action is not a violation of the Antideficiency Act.

Please provide the foregoing information, including all documents and data in native format, to our offices by the close of business on February 5, 2015. Please also provide monthly updates thereafter. Thank you for your attention to this important matter.

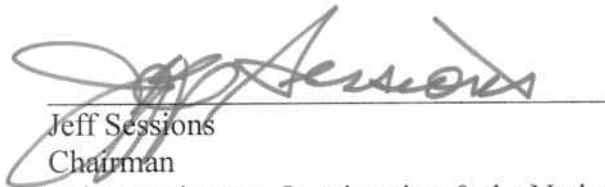
Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary



Ron Johnson  
Chairman  
Committee on Homeland Security  
& Governmental Affairs



Jeff Sessions  
Chairman  
Subcommittee on Immigration & the National Interest